

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA, :
v. : Case No. 3:10-cr-6-KRG-KAP
LEON SZEWCZYK, : (Case No. 3:11-cv-273-KRG-KAP)
Movant :
:

MEMORANDUM ORDER

The motion to vacate, docket no. 59, was referred to Magistrate Judge Keith A. Pesto for proceedings in accordance with the Magistrates Act, 28 U.S.C. § 636(b)(3), and Local Rule 72 for Magistrate Judges.

The Magistrate Judge filed a Report and Recommendation on September 21, 2012, docket no. 66, recommending that the motion to vacate be denied, that a certificate of appealability be denied, and that the government's motion to enforce the waiver of post conviction relief, docket no. 64, be granted.

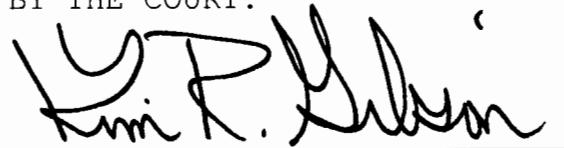
The parties were notified that pursuant to 28 U.S.C. § 636(b)(1), they had fourteen days to file written objections to the Report and Recommendation. No one has filed timely objections and the time to do so has expired.

After review of the record of this matter, together with the Report and Recommendation, and noting the lack of timely objections thereto, the following order is entered:

AND NOW, this 12th day of ~~September~~^{October}, 2012, it is

ORDERED that the motion to vacate, docket no. 59, is denied; the motion to enforce post conviction relief waiver, docket no. 64, is granted. No certificate of appealability is issued. The Report and Recommendation, docket no. 66, is adopted as the opinion of the Court. The Clerk shall mark the civil matter closed.

BY THE COURT:



KIM R. GIBSON,
UNITED STATES DISTRICT JUDGE

Notice to counsel of record by ECF and by U.S. Mail to:

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